

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Action No. 2:18cv530

NORFOLK SOUTHERN
RAILWAY COMPANY, et al.,

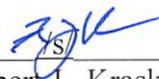
Defendants.

ORDER

This matter is before the Court on the motion for leave to take the *de bene esse* deposition of Chris Luebbers filed by CSX Transportation, Inc. (“CSX”) on December 9, 2022. ECF No. 533. Norfolk Southern Railway Company and Norfolk & Portsmouth Belt Line Railway Company filed oppositions to the motion and CSX replied. ECF Nos. 537, 540, 547.

CSX filed the motion pursuant to Local Rules 7, 16, and 30 of the Rules for the Eastern District of Virginia, and Rules 16, 30, and 32 of the Federal Rules of Civil Procedure, seeking to reopen discovery for the sole purpose of allowing CSX to take a *de bene esse* deposition of Mr. Luebbers. The Court finds good cause to reopen discovery for this limited purpose and **GRANTS** CSX’s motion. CSX may take the *de bene esse* deposition of Chris Luebbers in Atlanta at a mutually agreeable time prior to January 11, 2023.

The Clerk is **DIRECTED** to forward copies of this order to all counsel of record.



Robert J. Krask
United States Magistrate Judge

Norfolk, Virginia
January 3, 2023